

**UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY**

IN RE: VALSARTAN, LOSARTAN, AND IRBESARTAN PRODUCTS LIABILITY LITIGATION	MDL No. 2875 HON. ROBERT B. KUGLER

**PLAINTIFFS' NOTICE TO TAKE VIDEOTAPED ORAL DEPOSITION OF WAYNE T.
GIBSON**

Please take notice that pursuant to Federal Rule of Civil Procedure 30, and other applicable Rules, including the Local Civil Rules, and the applicable Orders of the Court, Plaintiffs, by and through their counsel, will take the videotaped deposition of Wayne T. Gibson, on September 20, 2023, at 9:00 a.m. Eastern time, and continuing day to day until completion as permitted by the Federal Rules of Civil Procedure, subject only to any applicable limitations imposed by the Court in this litigation.

The deposition will take place remotely, and shall be recorded stenographically and by video before a person duly authorized to administer oaths who is not counsel of record or interested in the events of this case. The deponent is directed to produce the items listed in the attached "Exhibit A" forty-eight (48) hours in advance of the deposition (i.e., no later than 9:00 am EDT on September 19, 2023). To the extent that the requested materials are not produced at least forty-eight hours in advance of the deposition, Plaintiffs reserve all rights to continue all or a portion of the deposition in order to avoid any prejudice that could result from the failure to timely produce

the requested materials, and permit Plaintiffs a reasonable opportunity to review such materials and examine the witness on said materials.

Dated September 11, 2023

Respectfully submitted,

On behalf of the Plaintiffs' Executive Committee

By: /s/John R. Davis

JOHN R. DAVIS

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EXHIBIT A

DOCUMENT REQUESTS

- 1) Copies of all invoices for work performed in connection with any consultation or expert work performed for or on behalf of any defendant or their counsel with regard to any issues in this MDL, including but not limited to for the review of documents, review and consultation with regard to plaintiff experts, preparation of Mr. Gibson's report, and preparation for deposition or trial.
- 2) All communications between Mr. Gibson and employees of FTI Consulting (referenced in Paragraph 1 of Mr. Gibson's Report) considered by Mr. Gibson in the drafting of his Report.
- 3) All communications between Mr. Gibson (or anyone acting on Mr. Gibson's behalf for purposes of preparing this report) and any third party related to the preparation of Mr. Gibson's report, including but not limited to IMS Health and/or IQVIA personnel.
- 4) All Documents reflecting any work done by FTI Consulting, for or at the direction of Mr. Gibson, including but not limited to all invoices submitted by FTI Consulting to Mr. Gibson or to Defendants in this litigation.
- 4) Any notes, i.e. written or electronic, reflecting consulting or litigation work that has not been documented in invoices.
- 5) Any articles, presentations, seminars, classes, or other similar documents (including PowerPoint-type slides) authored by Mr. Gibson regarding any aspect of healthcare reimbursement.
- 6) Copies of any documents or articles relied upon or considered for the opinions set forth in the report served.
- 7) Copies of all notes, annotations, or highlights of transcripts of any testimony reviewed by or on behalf of Mr. Gibson considered for Mr. Gibson's Report;
- 9) Copies of any documents or articles reviewed in connection with the report served, whether or not listed in the report or attachments thereto.
- 10) Copies of all Publications and Presentations listed in Mr. Gibson's CV, which is Exhibit 1 to his Expert Report.
- 11) Any illustrations, PowerPoints, images, charts, tables or demonstrative exhibits that may be used by or with Mr. Gibson in connection with a Daubert hearing or trial testimony in this litigation.
- 12) Documentation of any prior work Mr. Gibson has done as a consultant for any of the Defendants in this action.

13) Any documents or other communications the witness has received from any person or entity with regard to nitrosamine impurities in any angiotensin II receptor blocker or other drug, outside of information provided by counsel who retained the witness.

14) Any communications from the witness to any person or entity with regard to nitrosamine impurities in any angiotensin II receptor blocker or other drug, outside of communications to counsel who retained the witness.

15) Any textbook referenced by the witness in forming his opinions.

16) Copies of all transcripts of testimony under oath given by Mr. Gibson in the last 10 years.

17) Copies of all expert reports submitted by Mr. Gibson in the proceedings listed in Exhibit 1 to Mr. Gibson's report.

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CERTIFICATE OF SERVICE

I hereby certify that on September 11, 2023, I caused to be electronically filed the foregoing document with the Clerk of the court using CM/ECF system which will send notification of such filing to the CM/ECF participants registered to receive service in this MDL.

PLAINTIFFS' PEC COUNSEL

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